

1 SHOOK, HARDY & BACON LLP
2 B. Trent Webb, Esq. (*pro hac vice*)
Peter Strand Esq. (*pro hac vice*)
3 Ryan D. Dykal Esq. (*pro hac vice*)
2555 Grand Boulevard
4 Kansas City, Missouri 64108-2613
Telephone: (816) 474-6550
5 Facsimile: (816) 421-5547
bwebb@shb.com

7 Robert H. Reckers, Esq. (*pro hac vice*)
600 Travis Street, Suite 1600
8 Houston, Texas 77002
Telephone: (713) 227-8008
9 Facsimile: (731) 227-9508
rreckers@shb.com

GREENBERG TRAURIG
Mark G. Tratos, Esq. (Nevada Bar No. 1086)
Brandon Roos, Esq. (Nevada Bar No. 7888)
Leslie Godfrey, Esq. (Nevada Bar No. 10229)
3773 Howard Hughes Parkway
Suite 400 North
Las Vegas, NV 89169
Telephone: (702) 792-3773
Facsimile: (702) 792-9002
tratosm@gtlaw.com
roosb@gtlaw.com
godfreyl@gtlaw.com

LEWIS AND ROCA LLP
W. West Allen (Nevada Bar No. 5566)
3993 Howard Hughes Parkway, Suite 600
Las Vegas, Nevada 89169
Tel: (702) 949-8200
Fax: (702) 949-8398
WAllen@LRRLaw.com

13 *Attorneys for Defendants*
14 *Rimini Street, Inc., and Seth Ravin*

15 UNITED STATES DISTRICT COURT
16 DISTRICT OF NEVADA

17 ORACLE USA, INC., a Colorado corporation;
18 and ORACLE INTERNATIONAL
CORPORATION, a California corporation,

19 Plaintiffs,

20 v.

21 RIMINI STREET, INC. , a Nevada corporation;
22 SETH RAVIN, an individual,

23 Defendants.

Case No. 2:10-cv-0106-LRH-PAL
**DEFENDANTS' MOTION FOR
LEAVE TO FILE UNDER SEAL
PORTIONS OF DEFENDANTS'
MOTION TO EXCLUDE CERTAIN
INQUIRY, EVIDENCE OR
ARGUMENT REGARDING
TOMORROWNOW, INC. AND
ACCOMPANYING EXHIBITS
A, B and D**

24 Pursuant to the Stipulated Protective Order governing confidentiality of documents
25 entered by the Court on May 21, 2010 (*See* Dkt. 55, "Protective Order"), Local Rule 10-5(b) and
26 Rules 5.2 and 26(c) of the Federal Rules of Civil Procedure, Defendants Rimini Street, Inc. and Seth
27 Ravin ("Rimini") respectfully requests that the Court grant leave to file under seal portions of the
28 Motion to Exclude Certain Inquiry, Evidence or Argument Regarding TomorrowNow, Inc. ("Motion

1 to Exclude") and accompanying Exhibits A, B and D. A public, redacted version of Motion to
 2 Exclude was filed on May 20, 2015. Additionally, on May 20, 1015, the unredacted version of
 3 Exhibits A, B and D were filed under seal.

4 The Protective Order provides that: "Counsel for any Designating Party may
 5 designate any Discovery Material as "Confidential Information" and as "Highly Confidential
 6 Information- Attorneys' Eyes Only" under the terms of the Protective Order only if such counsel in
 7 good faith believes that such Discovery Material contains such information and is subject to
 8 protection under Federal Rule of Civil Procedure 26(c). The designation by any Designating Party of
 9 any Discovery Material as "Confidential Information" or "Highly Confidential Information-
 10 Attorneys' Eyes Only" shall constitute a representation that an attorney for the Designating Party
 11 reasonably believes there is a valid basis for such designation". Protective Order at Paragraph 2.

12 The Court has "broad latitude" under Rule 26(c) "to prevent disclosure of materials
 13 for many types of information, including, but not limited to, trade secrets or other confidential
 14 research, development, or commercial information." *Phillips v. Gen. Motors Corp.*, 307 F.3d 1206,
 15 1211 (9th Cir. 2002) (citations omitted).

16 Sealing portions of the Motion to Exclude is requested because the document contains
 17 information that Rimini has designated as "Highly Confidential Information – Attorneys' Eyes
 18 Only" under the terms of the Protective Order. This information includes references to the deposition
 19 transcript of Seth Ravin that Rimini has designated "Confidential" and "Highly Confidential
 20 Information – Attorneys' Eyes Only." The Protective Order provides that: "Counsel for any
 21 Designating Party may designate any Discovery Material as 'Confidential Information' or 'Highly
 22 Confidential Information – Attorneys' Eyes Only' under the terms of this Protective Order **only if**
 23 **such counsel in good faith believes that such Discovery Material contains such information and**
 24 **is subject to protection under Federal Rule of Civil Procedure 26(c)**. The designation by any
 25 Designating Party of any Discovery Material as 'Confidential Information' or 'Highly Confidential
 26 Information –Attorneys' Eyes Only' shall constitute a representation that an attorney for the
 27 Designating Party reasonably believes there is a valid basis for such designation." Protective Order ¶
 28 2 (emphasis supplied).

1 A description of the Exhibits to be filed under seal referenced in this Motion to
2 Exclude is included below:

- 3 1. **Exhibit A** consists of selected excerpts from the deposition testimony of Seth
4 Ravin taken in the above captioned case on November 17, 2011. The excerpted
5 passages have been designated “Confidential” or “Highly Confidential
6 Information – Attorneys’ Eyes Only” by Rimini Street.
- 7 2. **Exhibit B** consists of selected excerpts from the deposition testimony of Seth
8 Ravin taken in the above captioned case on November 18, 2011. The excerpted
9 passages have been designated “Confidential” or “Highly Confidential
10 Information – Attorneys’ Eyes Only” by Rimini Street.
- 11 3. **Exhibit D** consists of selected excerpts from the deposition testimony of Seth
12 Ravin taken in *Oracle v. SAP & TomorrowNow et al.*, Case No. 07-CV-1658
13 (N.D. Cal.) on July 21, 2010. Mr. Ravin’s deposition testimony has been
14 designated “Confidential” or “Highly Confidential Information – Attorneys’ Eyes
15 Only” by Rimini Street.

16 Thus, in identifying the Motion to Exclude Exhibits which contain Confidential or
17 Highly Confidential material, Rimini, as the designating party, contends that good cause exists for
18 sealing Exhibits A, B and D.

19 Rimini has submitted all other portions of the Motion to Exclude as well as all other
20 exhibits to the Motion to Exclude, for filing in the Court’s public files, which would allow public
21 access to the filings except for the documents Rimini has designated as Confidential or Highly
22 Confidential. Accordingly, the request to seal is narrowly tailored.

23 For the foregoing reasons, Rimini respectfully requests that the Court grant leave to
24 file portions of the Motion to Exclude Certain Inquiry, Evidence or Argument Regarding
25 TomorrowNow, Inc. and accompanying Exhibits A, B and D under seal.

1 DATED: May 20, 2015

SHOOK, HARDY & BACON

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3 By: /s/ Robert H. Reckers

Robert H. Reckers, Esq.

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5 *Attorneys for Defendants*
Rimni Street, Inc. and Seth Ravin

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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of May, 2015, I electronically filed the foregoing document with the clerk of the court for the U.S. District Court, District of Nevada, using the electronic case filing system. The electronic case filing system sent a "Notice of Electronic Filing" to the attorneys of record who have consented in writing to accept this Notice as service of this document by electronic means.

8	BOIES, SCHILLER & FLEXNER LLP RICHARD J. POCKER (NV Bar No. 3568) 300 South Fourth Street, Suite 800 Las Vegas, NV 89101 Telephone: (702) 382-7300 Facsimile: (702) 382-2755 rocker@bsflp.com	BOIES, SCHILLER & FLEXNER LLP STEVEN C. HOLTZMAN (<i>pro hac vice</i>) KIERAN P. RINGGENBERG (<i>pro hac vice</i>) 1999 Harrison Street, Suite 900 Oakland, CA 94612 Telephone: (510) 874-1000 Facsimile: (510) 874-1460 sholtzman@bsflp.com kringgenberg@bsflp.com	MORGAN, LEWIS & BOCKIUS LLP THOMAS S. HIXSON (<i>pro hac vice</i>) KRISTEN A. PALUMBO (<i>pro hac vice</i>) NITIN JINDAL (<i>pro hac vice</i>) JOHN A. POLITO (<i>pro hac vice</i>) One Market, Spear Street Tower San Francisco, CA 94105 Telephone: 415.442.1000 Facsimile: 415.442.1001 thomas.hixson@morganlewis.com kristen.palumbo@morganlewis.com Nitin.jindal@morganlewis.com John.polito@morganlewis.com
12			ORACLE CORPORATION
13			JAMES C. MAROULIS (<i>pro hac vice</i>)
14			DORIAN DALEY (<i>pro hac vice</i>)
15			DEBORAH MILLER (<i>pro hac vice</i>)
16			500 Oracle Parkway
17			M/S 5op7
18			Redwood City, CA 94070
19			Telephone: 650.506.4846
20			Facsimile: 650.506.7114
21			jim.maroulis@oracle.com
22			dorian.daley@oracle.com
23			deborah.miller@oracle.com
24			
25			

By: /s/ Robert H. Reckers
Robert H. Reckers.

*Attorney for Defendants
Rimini Street, Inc., and Seth Ravin*